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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,839	03/14/2001	Isabelle Jouve	022701-907	5002

21839 7590 04/08/2003

BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER
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KILLOS, PAUL J

ART UNIT	PAPER NUMBER
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1625

DATE MAILED: 04/08/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1623

This is in response to the communication filed 17 Dec. 2002.

The claims are 2-24 and 26-29.

REJECTION, 35 U.S.C. 112 2<sup>ND</sup> PARAGRAPH, FAILURE TO PARTICULARLY  
POINT OUT AND DISTINCTLY CLAIM

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

LACK OF ANTECEDENT BASIS IN THE CLAIM

Claim 26 recites the limitation "production of 4-hydroxy benzaldehyde and vanillin and analogues by oxidation etc." in lines 1-4 entire claim. There is insufficient antecedent basis for this limitation in the claim.

Hydroxy mandelic acid is well known in the art and one need not necessarily use the product of claim 27 to make the products of claim 26.

STATEMENT OF STATUTORY BASIS, 35 USC 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

102 (b) ACTIVITY MORE THAN ONE YEAR PRIOR TO FILING

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

REJECTION, 35 U.S.C. 102 (b) PATENT OR PUBLICATION

Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Chemical Abstracts 57:57394 Pisano, J. et al. Clin. Chim Acta (1962), 7, 285-291.

Art Unit: 1623

The reference clearly teaches that p-hydroxymandelic acid is oxidized to p-hydroxybenzaldehyde.

Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Chem Abstract 66:102382 Wybenga, D. et al, Clinica Chimica Acta (19670 16(1) 147-54.

The reference clearly teaches that 3-methoxy-4-hydroxymandelic acid (VMA) can be oxidized to vanillin.


Claims 2-24 and 27-29 are considered allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Killos whose telephone number is 703-308-0135. The examiner can normally be reached on Tuesday-Friday; alternate Mondays 9 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, <sup>Alan Rotman</sup> ~~Johann Richter~~ <sup>4698</sup> can be reached on 703-308-4532. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3592 for regular communications and 703-305-3592 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Killos/tgd  
March 20, 2003

  
**PAUL J. KILLOS**  
**PRIMARY EXAMINER**  
*AL. 1625*